

State Of New Hampshire
By His Excellency
John H. Lynch, Governor

Executive Order Number 2005-5

**An Order Establishing the Policy of the State of New Hampshire with
Respect to Supplemental Pay and Benefits for State Employees Who are
Members of the Reserve or National Guard and have been Called to Full
Time Active Duty**

WHEREAS, the United States is engaged in military and humanitarian efforts around the world and as part of these operations certain Reserve Components of the United States Armed Forces and National Guard members have been, or will be, called to active duty by the President of the United States; and

WHEREAS, the State of New Hampshire supports the United States of America and/or the needs of the State of New Hampshire through certain military and humanitarian efforts and in the course thereof certain National Guard members have been, or will be, called into active duty under my authority; and

WHEREAS, a number of employees of the State of New Hampshire who serve in the United States Armed Forces as part of the Reserve or National Guard have been, or will be, called into active duty by the President of the United States, under my authority, or (in the case of a New Hampshire state employee serving in a Reserve or the National Guard of another state) under the authority of that state's Governor;

WHEREAS, the State of New Hampshire supports its employees who are called to active duty and desires to ease their financial burden by supplementing their wages (in order to make them whole) and by continuing their benefits during the period of their full-time active duty;

NOW, THEREFORE, I, JOHN H. LYNCH, GOVERNOR OF THE STATE OF NEW HAMPSHIRE, by the authority vested in me by Part II, Articles 41 and 51 of the New Hampshire Constitution and the laws of the State of New Hampshire, do hereby order that:

1. Employees of the State of New Hampshire who are members of a Reserve or the National Guard and who are called to full time active duty by the President of the United States, under my authority as Governor, or under the authority of another Governor who participates in the Emergency Management Assistance Compact, shall, for the duration of such full-time active duty, be entitled to special leave with partial pay and continuation of benefits as defined below.
 - a. Partial pay shall be the difference between the employee's regular state compensation and the employee's full-time military pay, if the full-time military pay is less than the regular state pay;
 - b. Continuation of health and dental insurance benefits for which the employee (and/or the employee's legal dependents) are otherwise eligible but for the employee's special leave; provided, however, that in the event

of a deployment for which federal health and dental benefits are provided, the federal health and dental benefits shall be primary for the employee.

- c. Continued contributions on the employee's behalf to the New Hampshire Retirement System to ensure that the employee called to active duty continues to earn creditable service in the System throughout the period of full-time active duty.
2. The Adjutant General is hereby directed to provide to the Department of Administrative Services a list of all members of the National Guard so affected and their respective salaries, and other Reserve Units are encouraged voluntarily to provide the same information.
3. It is the policy of this Administration that said employees shall remain state employees while on such full-time active duty for the purpose of seniority and accruing retirement time. Provided, however, earnable compensation and retirement benefits shall not be increased or decreased by any partial payment made pursuant to this Executive Order but shall be computed as if no call to full-time military duty has occurred.
4. All entities of state government, including those not under the direct jurisdiction of the Executive branch, are hereby encouraged to support state employees who are members of the Reserve and National Guard Units and who are called to full-time active duty by the President of the United States or by a Governor.
5. Executive Order 2004-1 is hereby withdrawn and is replaced by this Executive Order which shall be effective immediately.

Given under my hand and seal at the
Executive Chambers in Concord this
7th day of September, the year two
thousand and five.

Governor of New Hampshire